

ASSEMBLY BILL

No. 789

Introduced by Assembly Member Williams

February 21, 2013

An act to amend Section 4004 of the Fish and Game Code, relating to trapping.

LEGISLATIVE COUNSEL'S DIGEST

AB 789, as introduced, Williams. Trapping.

Existing law, except as expressly provided, makes any violation of the Fish and Game Code, or any rule, regulation, or order made or adopted under that code, a misdemeanor. Existing law makes certain actions relating to trapping unlawful.

The bill also would make it unlawful to kill any trapped mammal by listed methods. By specifying these new Fish and Game Code violations, thereby defining new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4004 of the Fish and Game Code is
2 amended to read:

1 4004. It is unlawful to do any of the following:

2 (a) Use a trap with saw-toothed or spiked jaws.

3 (b) Use or sell leghold steel-jawed traps with a spread of 5 ½
4 inches or larger without offset jaws.

5 (c) Use steel-jawed traps larger than size 1 ½ or with a spread
6 larger than 4 ⅞ inches for taking muskrat.

7 (d) Set or maintain traps which do not bear a number or other
8 identifying mark registered to the department or, in the case of a
9 federal, state, county, or city agency, bear the name of that agency,
10 except that traps set pursuant to Section 4152 or 4180 shall bear
11 an identifying mark in a manner specified by the department. No
12 registration fee shall be charged pursuant to this subdivision.

13 (e) Fail to visit and remove all animals from traps at least once
14 daily. If the trapping is done pursuant to Section 4152 or 4180, the
15 inspection and removal shall be done by the person who sets the
16 trap or the owner of the land where the trap is set or an agent of
17 either.

18 (f) (1) Use a steel leghold trap with a spread exceeding 7 ½
19 inches or ~~conibear~~ killer-type trap of the ~~conibear~~ type that is larger
20 ~~than 10 inches by 10 inches~~ 6 inches by 6 inches, unless partially
21 or wholly submerged in water. Unless prohibited by the department
22 as a permit condition, a lawfully set conibear killer-type trap that
23 is 10 inches by 10 inches or less may be set in a managed wetland
24 area.

25 (2) Any killer-type trap set on publicly owned land or land
26 expressly open to public use shall be posted with a sign containing
27 the following language in lettering that is a minimum of three
28 inches high and visible from a distance of 100 feet: *Danger! Keep*
29 *Dogs Out! Lethal Traps Set for Wildlife.*

30 (g) Set or maintain steel leghold traps within 30 feet of bait
31 placed in a manner or position so that it may be seen by any soaring
32 bird. As used in this subdivision, “bait” includes any bait composed
33 of mammal, bird, or fish flesh, fur, hide, entrails, or feathers.

34 (h) Set or maintain steel leghold traps with a spread of 5 ½
35 inches or larger without a tension device.

36 (i) *Kill any trapped mammal in accordance with this section by*
37 *intentional drowning, injection with any chemical not sold for the*
38 *purpose of euthanizing animals, or thoracic compression,*
39 *commonly known as chest crushing. This subdivision shall not be*
40 *construed to prohibit the use of lawfully set conibear traps set*

1 *partially or wholly submerged in water or set in a managed*
2 *wetland habitat area for beaver or muskrat or the use of lawfully*
3 *set colony traps set in water for muskrat.*

4 SEC. 2. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.